

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ERIC J. PAYNE

vs.

JOHN MCHUGH, Secretary of the Army

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CASE NO. 5:07-CV-162-DF-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 69), which contains his recommendation, has been presented for consideration. No objections were filed to the Report and Recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the defendant's motion for summary judgment of no wrongful termination (Dkt. No. 45) is granted.

SIGNED this 8th day of February, 2010.

A handwritten signature in black ink, appearing to read "David Folsom", is written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE